

**IN THE SUPREME COURT OF FLORIDA
BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE

CASE NO. SC13-1333

RE: LAURA MARIE WATSON, NO. 12-613

**RESPONSE OF THE FLORIDA BAR TO NOTICE OF
FILING OF COPIES OF LATE PRODUCED
DISCOVERY AND LATE PRODUCED REDACTIONS
BY THE FLORIDA BAR AND NOTICE OF JUDGE WATSON'S
RESERVATION OF RIGHTS AND MOTION FOR STAY**

This Court has rejected claims made, remarkably similar to those made here, as recently as April 14, 2015.¹

Judge Watson's (Watson) Notice now does not seek relief from The Florida Bar (Bar). But Watson has again attempted to use the Bar as a vehicle to impeach the Judicial Qualifications Commission (JQC) recommendation that Watson be removed from the bench. There has been no fault in the handling of any matter by the Bar, and no reasonable argument has or can be made that the JQC result was or could be affected by the Bar's role in this matter. The good faith, reasonable and comprehensive effort by the

¹The Court denied, on April 14, 2015, the relief sought by Watson in her "Judge Watson's Notice of Direct Criminal Contempt by The Florida Bar and Judicial Qualifications Commission (Coxe, McGrane, and Muir - and - Motion to Reject the Report and Recommendation of the JQC Based Upon Perjury, Fraud, Spoliation of Evidence, and Numerous Violations of the Rules Regulating The Florida Bar, and Other Related Relief."

Bar in complying with a November 15, 2013 subpoena is irrelevant to the 2004 misconduct of Watson.

The thrust of Judge Watson's claim is that the Bar did not produce, by way of a third party subpoena, all materials purportedly responsive to the subpoena prior to the JQC trial of Judge Watson. Watson has repeatedly advanced this same claim, i.e., that without these materials, Watson was unable to effectively show that attorneys Larry Stewart, William Hearon and others controlled the Bar's investigation of Watson, and similarly that of the JQC. This claim is unsupported by the facts and the law.²

The history is simple: Judge Crow determined that Watson violated several Rules Regulating the Florida Bar, and the matter was referred to the Bar. At or about the time the Bar found probable cause as to several violations, Watson was elected a Circuit Judge. The investigation was then appropriately handled by the JQC.³

As reflected in Exhibit A by the two letters of February 25, 2015 and April 10, 2015, and as further reflected by correspondence to Respondent's counsel of May 1, 2015 (Exhibit B), the Bar has made every reasonable effort to produce the materials

²The materials which Watson claims were omitted in the December 2013 and January 2014 production by the Bar have been shown to mirror what was produced, i.e., numerous communications from Stewart, Hearon and others to the Bar urging prosecution of Watson and offering to assist. Watson offers no legal authority that any of this was illegal.

³Watson's argument that the Bar's position that it "lost jurisdiction" (when the matter was referred to the JQC) is "contradictory" to a later statement (that the matter was placed on a "monitoring" status) is absurd. (Watson Notice, par. 20).

responsive to the subpoena. Significantly, what is ignored by Watson and her counsel is an e-mail produced by the Bar to Watson which undermines a claim that Stewart, Hearon (and others) controlled the Bar, and which was sent on October 5, 2013:

“Larry:

We appreciate and value your help. As I have mentioned, the complainant in this matter is The Florida Bar. We must and should submit our own work product. I value your input and do not question your abilities, but you are just going to have to rely in what Ghenete, Alan and I submit to the referee.

I cannot have you write our motions, our memorandum, nor do I feel comfortable submitting a document to the referee that is signed by us yet drafted by you.

We will submit your affidavit and Sammy's but our work has to be our own without your approval or revisions. Thank you for your anticipated understanding.”

See Exhibit C.

What is lost on Watson is the issue before this Court. It is not whether there might be – somewhere in this universe – some more e-mails from persons like Stewart sent to the Bar in 2012 and 2013. The issue before this Court is the JQC recommendation that Watson be removed from her judicial position for what she did in 2004.

Respectfully submitted,

LILES GAVIN, PA

By: /s/Rutledge R. Liles

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Attorneys for The Florida Bar

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 6, 2015, a true and correct copy of the foregoing was furnished by electronic mail to:

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/s/Rutledge R. Liles

Attorney

Exhibit A

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February 25, 2015

VIA E-MAIL

Robert A. Sweetapple
Law Offices of Sweetapple, Broeker & Varkas, P.L.
20 S.E. 3rd Street
Boca Raton, FL 33432

Re: Case No.: SC13-1333; Judge Laura M. Watson

Dear Mr. Sweetapple,

I'm writing on behalf of The Florida Bar ("the Bar"). We have been asked to assist the Bar in responding to your letter to Henry Coxe dated January 23, 2015. Specifically, McGuireWoods is assisting the Bar in performing additional searches to determine whether there are any documents not previously produced that are potentially responsive to the Subpoena Duces Tecum issued to Ghenete Wright Muir dated November 12, 2013 ("the Subpoena"). McGuireWoods is also assisting the Bar with responding to your Public Records Request dated January 9, 2015.

The Subpoena

The Bar is investigating your claim that documents responsive to the Subpoena were not produced as part of the Bar's production of documents to the JQC. As an initial observation, we have reviewed the documents attached to your January 23, 2015 letter and they do not appear responsive to the Subpoena. That said, the Bar is conducting a number of additional searches to ensure that any information that may be responsive to the Subpoena is located, to the extent it exists, and produced. Specifically, the Bar is in the process of running the search term "Watson" across the following sources: (1) the e-mail accounts of Adria Quintela, Alan Pascal, Ghenete Wright Muir, Kenneth Marvin and Emily Sanchez ("key custodians"); and (2) each of the "key custodians" data on their local drives and network drives. In addition, it is reviewing any hard copy records that may exist to ensure that no documents were overlooked. Also, the Bar stores documents by matter name in its CAMFI¹ system and it has a case file in CAMFI for Laura Watson. That file was previously reviewed in connection with the Subpoena. We are

¹ CAMFI is the Florida Bar's Case Management System. It houses the Bar's discipline files. Documents are filed in CAMFI by case file.

nevertheless going to re-review that file to make sure that no information was inadvertently missed in the first review.

The Bar will produce all non-privileged/non-protected documents that are responsive to the Subpoena that were not previously produced, if any are found as a result of the above searches.

Public Records Request

We are having difficulty interpreting your public records request as it is internally inconsistent and the sections are duplicative. Also, it is extremely broad and seeks an enormous amount of information, most of which would have nothing to do with your client.

We are interpreting the public records request to seek communications specified in Section II and III of the request only if they are related to the subjects identified in Section I of your requests. An alternate reading would mean that you are seeking all e-mails on any subject between a very large group of individuals, including all communications or records between the Florida Bar and any of its staff and any third party. We do not believe that is what you are seeking, but let us know if our understanding is not correct. Regardless the way the request is interpreted, the request will require extensive use of supervisory, clerical and/or information technology labor. Fla.R.Jud. Admin 2.420(m)(3) and Florida Statute § 119.07(4)(d) authorize and establish fees applicable to the production of public records for inspection or copying within the judicial branch. Further, certain of these records will be exempt from production and subject to the attorney-client privilege, the work product doctrine or other confidentiality rules. See Rule 1-14.1(a), Rules Regulating the Florida Bar.

Because the request is so broad and the scope of data implicated extensive, it is taking a substantial amount of resources to just assess the cost entailed in responding to the request. Nevertheless, we are working on gathering information necessary to prepare an estimate of the cost to begin to respond to just a portion of this request and plan to provide those costs to you in the next few days.

To that end, the Bar is in the process of collecting documents that are potentially responsive to your Public Records Request, at least initially, from the following sources: (1) the e-mail accounts of Adria Quintela, Alan Pascal, Ghenete Wright Muir, Kenneth Marvin and Emily Sanchez ("key custodians"); (2) CAMFI (database used by the Bar to scan and store documents); (3) each of the "key custodians" data on their local drives and network drives; and (4) hard copy records. The Bar plans to run the search terms listed in Exhibit A across the e-mail data and data it is collecting from hard drives and personal network drives and assess the volume of the hits to prepare an estimate. It is time consuming to collect all the data and search it, but that has to be done first to obtain information regarding the volume of documents implicated so that we can prepare an estimate of the cost to search, review and produce responsive information. Please let us know if you believe the search that we have described in this letter is adequate, or if you believe additional search terms or custodians should be added. Additional terms will obviously increase the cost of the request and the time it will take to

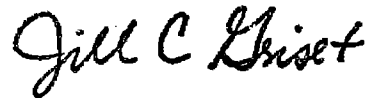
Robert A. Sweetapple
Law Offices of Sweetapple, Broeker & Varkas, P.L.
February 25, 2015
Page 3

respond to the request. Finally, the Bar is collecting all documents from the following case files in CAMFI: Gary Marks; Amy Fleischer; Charles Kane; Harley Kane and Daris Lentner. We will review those files to see if any are responsive to the public records request as well. To the extent that we find any nonprivileged/non-confidential documents responsive to the Subpoena during our searches related to the public records request, we will produce those documents as well.

We will provide the cost estimate for producing the initial set of documents responsive to the Public Records Request using the searches described above as soon as we have sufficient information to estimate the volume of documents to be reviewed and produced.

In the interim, please feel free to call me if you have any questions or concerns or have any comments on the searches we are conducting.

Sincerely,

A handwritten signature in cursive script that reads "Jill C Griset".

Jill C. Griset

Cc: Henry M. Cox

Exhibit A- Search Terms for Public Records Request

"Board of Governors"

discipline

gshahood@bellsouth.net

shahood

rothman

melendez

jtm@rothmanlawyers.com

Watson

*flcourts.org

tomasino@flcourts.org

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fleischer

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Laura Y. Campoli
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April 10, 2015

VIA FED-EX

Mr. Robert A. Sweetapple
Law Offices of Sweetapple, Broeker & Varkas, P.L.
20 S.E. 3rd Street
Boca Raton, FL 33432

Re: Case No.: SC13-1333; Judge Laura M. Watson

Dear Mr. Sweetapple,

I write to follow up on Jill Griset's letter of February 25, 2015 ("February 25 Letter") regarding the Florida Bar's (the "Bar's") response to the Subpoena Duces Tecum issued to Ghenete Wright Muir dated November 12, 2013 ("the Subpoena").

We have completed the collection and review outlined in detail in the Subpoena section of the February 25 Letter. On the enclosed disc and via Managed File Transfer, we are producing unique nonprivileged documents found in that collection that are responsive to the Subpoena or, even if not responsive to the Subpoena, if they merely mention "Watson" and based on our searches appeared to be "true hits" for the term (i.e., that were not documents mentioning a person other than Laura Watson with the same name.)¹

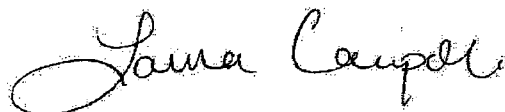
We also included "families" of produced documents in the production if they were not privileged. So, for example, if a document was attached to a document that mentioned "Watson," and it was not privileged, we produced it regardless whether the individual attachments are separately responsive to the Subpoena.

¹ The Subpoena was issued in November 2013 and the Bar completed its initial production on January 9, 2014. For purposes of our review, we evaluated all documents falling within our collection and dated on or before January 17, 2014. We are still evaluating documents that post-date January 17, 2014. Although those documents would not have been originally produced, as they post-dated the Bar's response to the Subpoena and many of them are privileged, if we find additional documents from that set that are not privileged and responsive to the Subpoena, we will produce them. We are also still performing quality control procedures on a small number of documents dated on or before January 17, 2014 and if we find additional documents that are not privileged and responsive to the Subpoena, we will produce them.

Robert A. Sweetapple
Law Offices of Sweetapple, Broeker & Varkas, P.L.
April 10, 2015
Page 2

As Ms. Griset made clear in the February 25 letter, we are willing and ready to discuss any questions or concerns you may have regarding the scope of our collection and review. As of this date, we have not received any communication from you regarding the searches we proposed to you in our February 25 letter.

Sincerely,

A handwritten signature in black ink, reading "Laura Campoli". The signature is fluid and cursive, with the first name "Laura" and last name "Campoli" clearly distinguishable.

Laura Y. Campoli

LYC:ebm
Enclosure

cc: Henry Coxe (via e-mail)
Jill Griset (via e-mail)
Melissa Nelson (via e-mail)
Rutledge R. Liles (via e-mail)
Adria Quintela (via e-mail)

Exhibit B

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May 1, 2015

VIA FED-EX

Mr. Robert A. Sweetapple
Law Offices of Sweetapple, Broeker & Varkas, P.L.
20 S.E. 3rd Street
Boca Raton, FL 33432

Re: Case No.: SC13-1333; Judge Laura M. Watson

Dear Mr. Sweetapple,

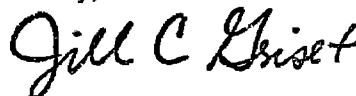
I write to follow up on our letter of April 10, 2015 regarding the Florida Bar's (the "Bar's") response to the Subpoena Duces Tecum issued to Ghenete Wright Muir dated November 12, 2013 ("the Subpoena").

We have completed the collection, review and quality control of all documents outlined in detail in the Subpoena section of my letter dated February 25, 2015, including documents dated after the subpoena was issued through the date of Laura Watson's trial in February 2014. On the enclosed disc we are producing the remaining unique nonprivileged documents and a privilege log for documents withheld from the collection that are responsive to the Subpoena or, even if not responsive to the Subpoena, if they merely mention "Watson" and based on our searches appeared to be "true hits" for the term (i.e., that were not documents mentioning a person other than Laura Watson with the same name).

We are also providing a hard copy of the trial exhibits entered at the Kane trial.

This production concludes the Bar's response to the Subpoena.

Sincerely,



Jill C Griset

JCG:ebm
Enclosure

Robert A. Sweetapple
Law Offices of Sweetapple, Broeker & Varkas, P.L.
May 1, 2015
Page 2

cc: Henry Coxe (via e-mail)
Melissa Nelson (via e-mail)
Rutledge R. Liles (via e-mail)
Adria Quintela (via e-mail)

Exhibit C

> From: Adria Quintela/The Florida Bar
> To: Larry Stewart <lsstewart@stfblaw.com<<mailto:lsstewart@stfblaw.com>>>,
> Date: 10/05/2013 07:12 PM
> Subject: Re: Kasnes M/SJ

>

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>

>

> Larry:

> We appreciate and value your help. As I have mentioned, the complainant in this matter is The Florida Bar. We must and should submit our own work product. I value your input and do not question your abilities, but you are just going to have to rely in what Ghenete, Alan and I submit to the referee.

> I cannot have you write our motions, our memorandum, nor do I feel comfortable submitting a document to the referee that is signed by us yet drafted by you.

>

> We will submit your affidavit and Sammy's but our work has to be our own without your approval or revisions. Thank you for your anticipated understanding.

>

> Adria E. Quintela

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